

Washington Department of Ecology

Rule Development Process

July 7, 2006

Rule-Making Laws in Washington

The Administrative Procedure Act –
Chapter 34.05 RCW

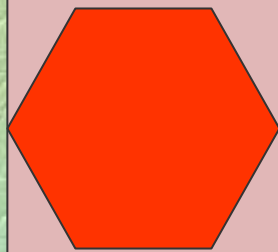
The Regulatory Fairness Act –
Chapter 19.85 RCW

The Department of Ecology also adopted policies to address
internal rule-making processes.

DEPARTMENT OF ECOLOGY RULE DEVELOPMENT PROCESS

STEPS INVOLVED

- Rule Authorization Document
- Rule Development Plan
- Prepare and File CR 101
- Work with the Advisory Group
- Prepare and File CR 102
- Public Comment Period
- Prepare and File CR 103



Rule Authorization Document

Define Intended Rule

Agency Approval

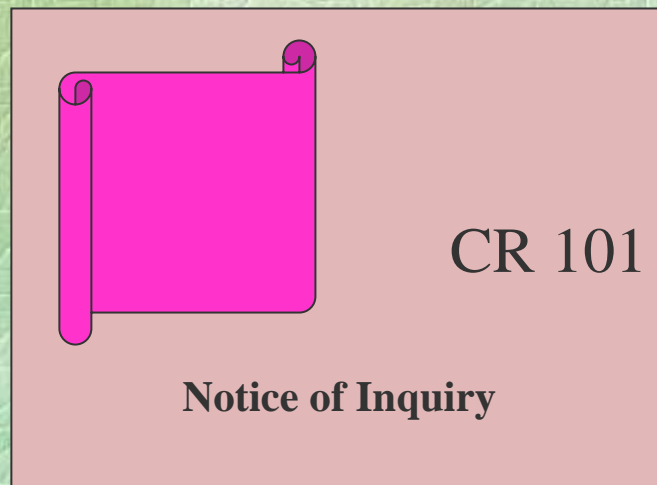
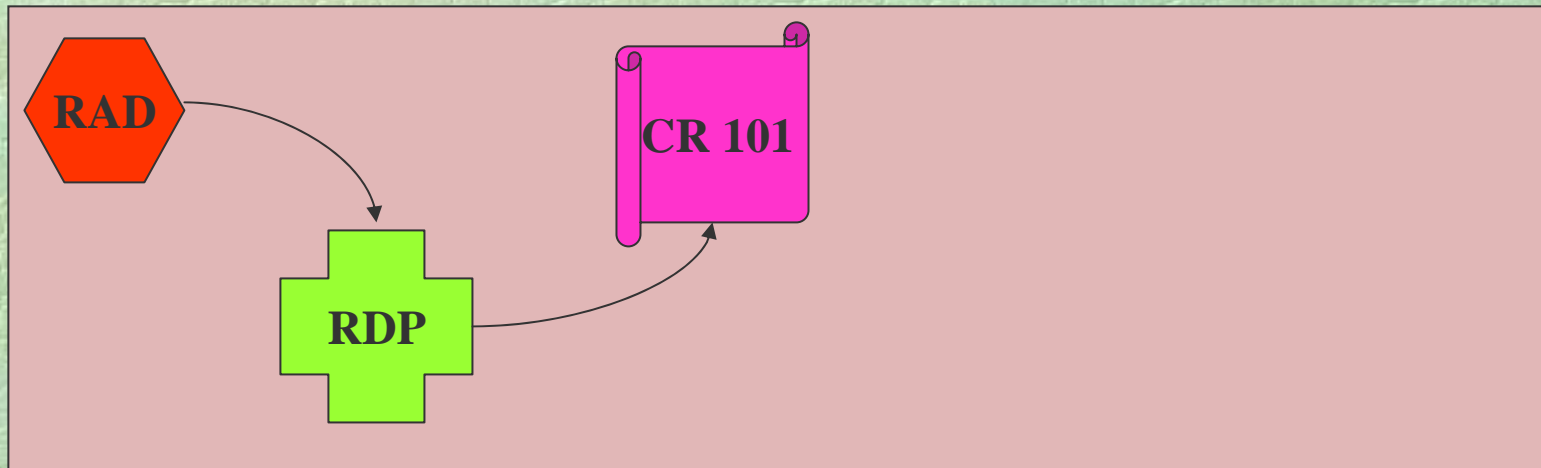
- Strategic Planning
- ALL rules go to SMT
 - Big Picture
 - Staff contact w/SMT
 - SMT contact w/staff

Approved by: Senior Management Team (SMT)



- Better defined concept/
scope**
- What is planned
 - Who does it impact
 - Anticipated issues
 - Public involvement strategy
 - Communication plan

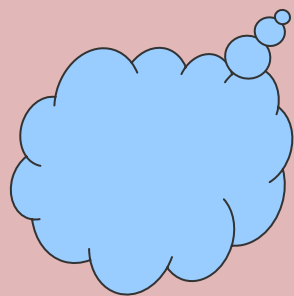
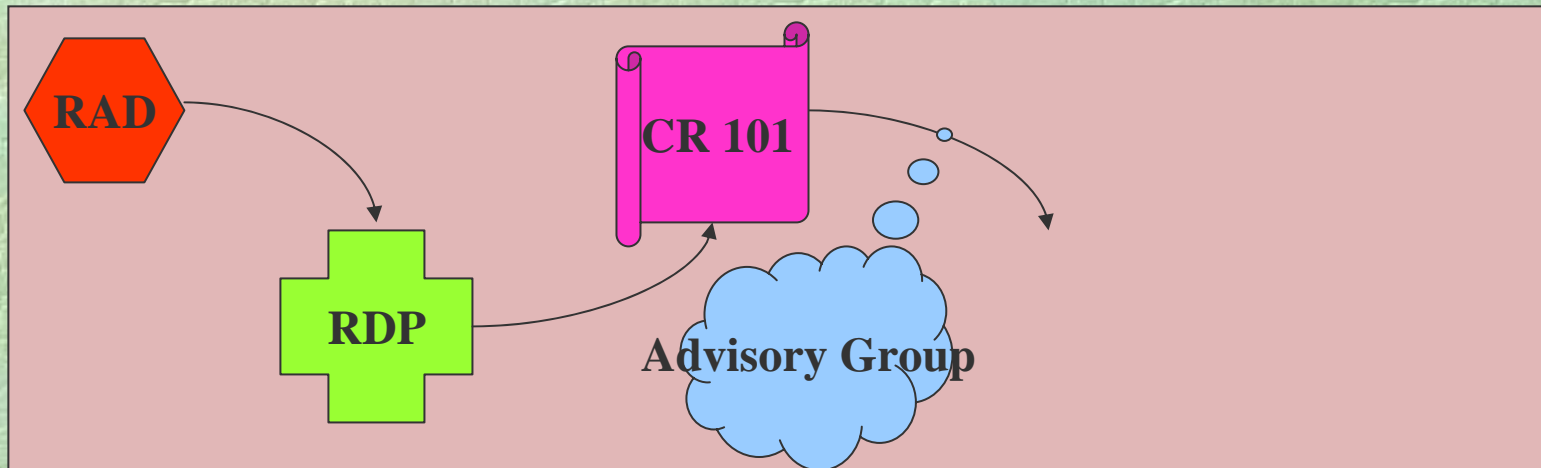
Approved by:
Program Manager, Public Involvement Officer
and Agency Rules Coordinator



First “official” APA paperwork

- Announces intent to adopt/amend/repeal a rule
- Specific or General
- Invites participation

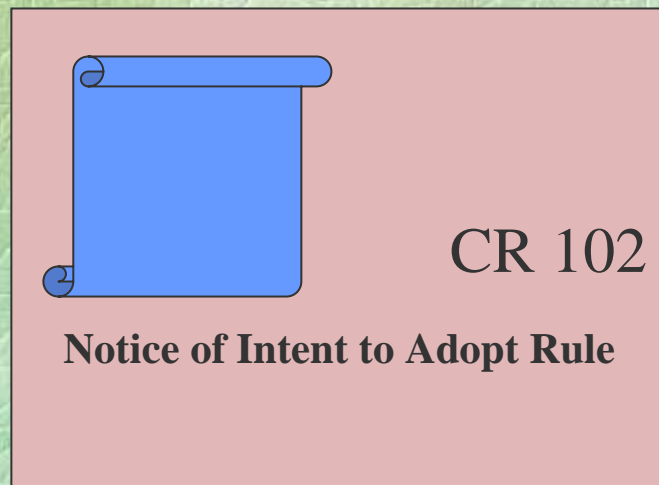
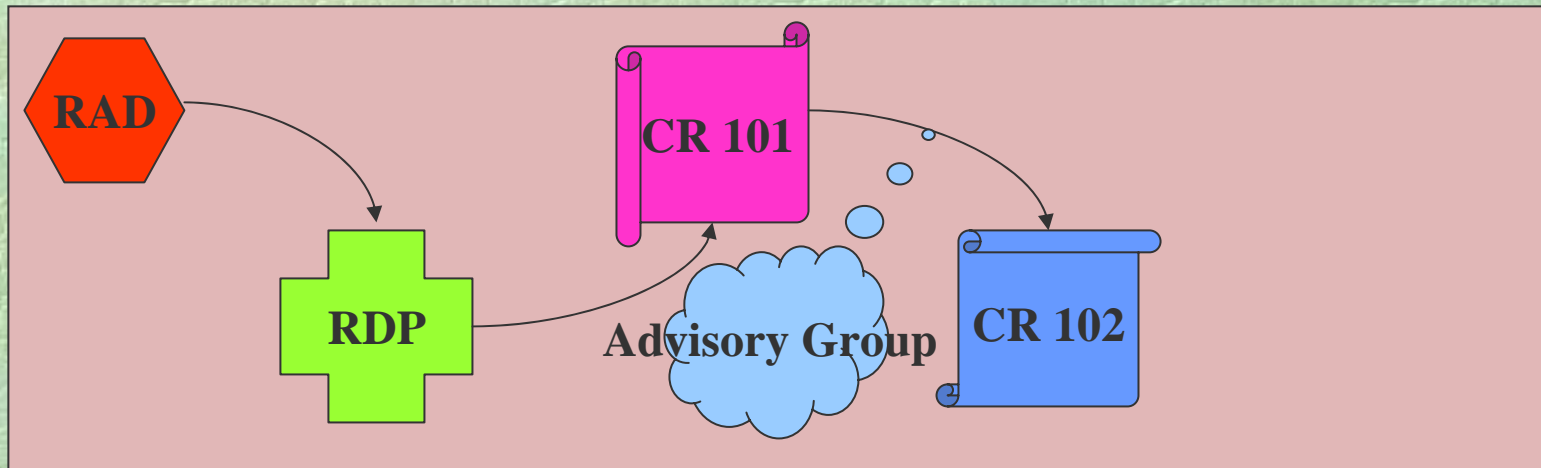
Signed by: Program Manager



Create
an
Advisory
Group

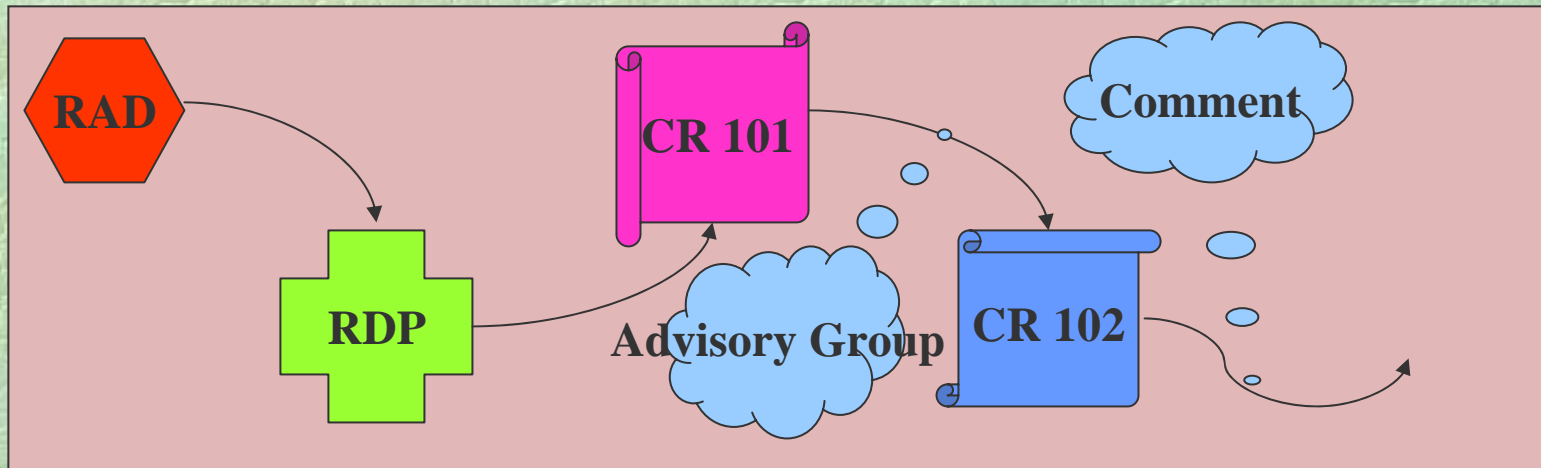
- Implement Public Involvement
- Stakeholders/workgroups
- Identify/Prioritize/ Resolve Issues
- Review the draft rule

Implementation by: Program



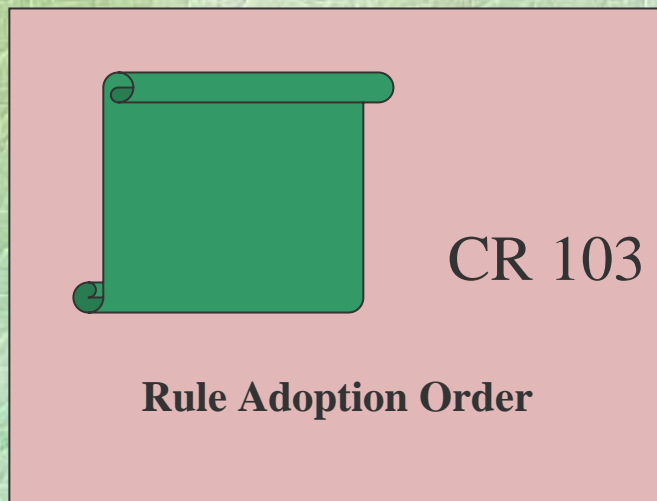
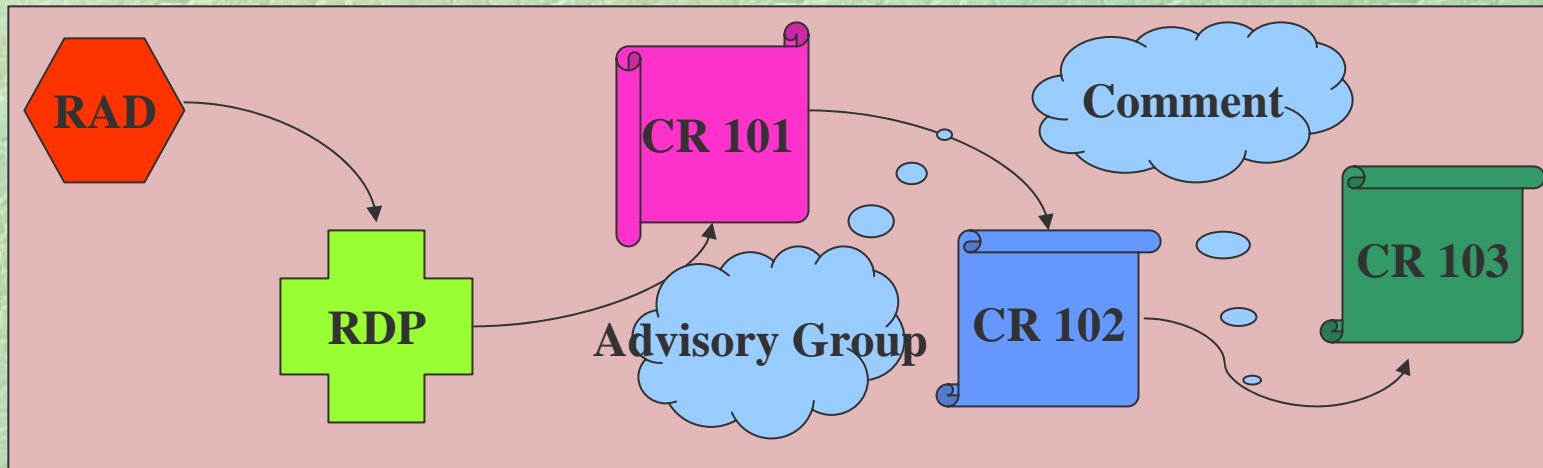
- Public Comment Period**
- Publish draft rule
 - Announce public hearings
 - Establish public comment period
 - SBEIS filed
 - Draft CBA made available

Signed by: Deputy Director



- Conduct Public Hearings
- Receive/Review/Evaluate Comments
- Make changes(if necessary)
- Complete Filing Packet
 - Concise Explanatory Statement
 - Cost-benefit analysis
 - Implementation Plan

Implementation by: Program



Prepare final adoption package

- Final rule text
- Concise Explanatory Statement
- 328 (APA) Determinations
 - Cost-benefit Analysis
 - Least burdensome alternative
 - Implementation Plan
- Send adoption notification

Signed by: Director